

**REMARKS**

**Summary of the Office Action**

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,483,532 to Eriksson. Claim 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eriksson as applied to claims 4 and 9 above, and further in view of U.S. Patent No. 6,504,845 to Peterson et al. (hereinafter “Peterson”).

**Summary of the Response to the Office Action**

Applicants have added new claims 11-18 to differently describe the invention. Accordingly, claims 1-18 are presently pending for consideration. In addition, Applicants have amended Fig. 12 of the Drawings in the concurrently-filed Submission of Replacement Drawing Sheets.

**Drawing Amendment**

In a Submission of Replacement Drawing Sheets included with this filing, Applicants have amended Fig. 12 by exchanging the positions of the words “YES” and “NO” as reflected in the attached replacement drawing sheets. This change conforms Fig. 12 to its description in the specification. Accordingly, no new matter has been introduced by this change, as it conforms to the specification as originally filed, pursuant to 37 C.F.R. § 1.81(d).

**The Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eriksson. Claims 5 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Eriksson as applied to claims 4 and 9 above, and further in view of Peterson. Applicants respectfully traverse the rejections for at least the following reasons.

The arrangements and methodologies disclosed and claimed in the instant application involve a digital bit stream recorded onto a recording medium, such as a recordable DVD (Digital Versatile Disc), in a manner so that it can efficiently and accurately be reproduced from the recording medium. The bit stream is formed into a data block that includes a main data portion, an additional data portion, and an other data portion, for example, as shown in Fig. 8. Complete packets are provided together with at least one partial packet within a main data portion of the data block. Moreover, additional data is provided in the data block outside of the main data portion.

As a result of the specific arrangements and methodologies of the instant application's disclosure, accurate reproduction can occur even if additional data regarding a partial packet to be located at the end of the main data portion exists in the additional data portion and no corresponding byte of information is present at the end of the main data portion.

The Office Action alleges that Eriksson teaches all of the limitations of independent claims 1, 4, 6 and 9. Applicants respectfully traverse this interpretation of Eriksson for at least the following reasons. Eriksson discloses a method of packeting data from sources of continuous data information together with data from sources of packet information in frames. In Fig. 2, data packets DP1, DP2 and DP3 each having continuous data and discontinuous data are shown. Each discontinuous data field PF1, PF2 and PF3 is placed in an area including the end portion of one packet and the beginning portion of the next packet. The end point of the one packet is

indicated by a pointer such as D1 placed in the one packet, and the beginning point of the next packet is indicated by a pointer such as D2 placed in the one packet.

However, Eriksson does not teach or suggest a data block forming apparatus or methodology, as recited in the claims of the instant application, for at least the following reasons. For example, Eriksson does not teach or suggest the provision of additional data regarding packets in a “main data portion” as discussed and claimed in the instant application. Moreover, Eriksson does not teach or suggest forming an “additional data portion” in which the additional data is stored in a data block.

Further, Applicants respectfully submit that Eriksson does not teach or suggest additional data invalid information showing whether the additional data is valid or not. Page 3, line 8 of the Office Action refers to “fig. 2, part discontinuous data field” as allegedly corresponding to the recited additional data invalid information that is stored in a portion other than said main data portion in said data block. However, Applicants respectfully submit that Eriksson discloses “packet fields PF1, PF2, PF3 reserved for data from packet network” and “the fields PF can contain data or empty spaces.” See col. 3, lines 39-42 of Eriksson. Applicants respectfully submit that Eriksson’s discontinuous data fields do not correspond to an additional data portion, and they are not disclosed as a portion of continuous data.

Eriksson’s discontinuous data fields, as shown in Fig. 2, either overlap with, or are placed between, data packets 1 and DP<sub>3</sub>, for example. The claims of the instant application recite that the data packets are provided within a “main data portion” and that the “additional data invalid information” is located outside of the “main data portion.” Accordingly, the “discontinuous data

field" referred to by the Office Action does not meet the claimed limitations of "additional data invalid information" located outside of the "main data portion." Accordingly, Applicants respectfully submit that Eriksson does not teach or suggest each feature of independent claim 1 for at least the foregoing reasons. Moreover, independent claims 4, 6 and 9 differ from Eriksson for similar reasons as set forth above with regard to independent claim 1.

With regard to the rejections of dependent claims 5 and 10 under 35 U.S.C. § 103(a), Applicants respectfully submit that these claims are allowable for at least the same reasons as independent claims 4 and 9, respectively, and that Peterson fails to cure the deficiencies of Eriksson.

Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Eriksson and Peterson, whether taken singly or combined, do not teach or suggest each feature of independent claims 1, 4, 6 and 9. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicants respectfully assert that dependent claims 2-3, 5, 7-8, and 10 are allowable at least because of the dependence from their respective independent claims and the reasons set forth above.

**New Claims 11-18**

Applicants have added new claims 11-18 to differently describe the invention.

Applicants respectfully assert that these new claims are allowable for similar reasons as set forth above with regard to original claims 1-10.

**Conclusion**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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